

January 30, 2007

The Honorable Valerie Woodruff
Secretary of Education
401 Federal Street
Dover, DE 19901

RE: 10 DE Reg. 1103 [Proposed DSTP Regulations]

Dear Secretary Woodruff:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) proposal to adopt amendments to the DSTP to conform to changes in the Delaware Code. As background, consistent with the attached statutes (Title 14 Del.C. §§151 and 152), the Code contains two (2) sets of standards for student assessment and diplomas, i.e. one set applicable through January 1, 2008 and one set applicable after January 1, 2008. Regulatory Section 6.0 has therefore been modified to address the multiple standards. The proposed regulations were published as 10 DE Reg. 1103 in the January 1, 2007 issue of the Register of Regulations. Council has the following observations.

First, there is a "typo" in Section 6.1.1 ("student's grade").

Second, Section 6.5.2.2 would benefit from a clarifying sentence. It ostensibly contains a long list of 28 "other academic indicators" which can be substituted for DSTP scores. However, there is no introductory sentence describing the significance of the list. In contrast, Section 6.4.1.1 contains the following introduction to the list applicable to 2006-2007: "The Other Academic Indicators shall be:"

Third, the list of "other academic indicators" effective in 2008 (Section 6.5.2.2) is much longer than that applicable to pre-2008 graduates (Section 6.4.1.1). The applicable statute [Title 14 Del.C. §152(c)] authorizes the Department to adopt "other assessments approved at the state level in the content area". The Department may wish to consider including some or all of 28 options in Section 6.5.2.2 in Section 6.4.1.1 since these options have obviously been validated.

Fourth, Section 6.5.3 permits some flexibility for a student who “has enrolled from another state or nonpublic school in Delaware during the year in which the student is scheduled to graduate.” For such students, an academic review team will review other academic indicators of performance. The term “during the year” could be construed as the calendar year. Thus, this provision would not apply to a student transferring in December with a Spring graduation date. It would be preferable to substitute “the school year” for “the year” to clarify that this regulation applies to students transferring in their senior year.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulations.

Sincerely,

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

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